

BEFORE THE DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation
Against:)

JORGE R. BORRELL, M.D.)
Certificate No. A-17275)

Respondent.)

No. D-3748

L-42663

DECISION

The attached Proposed Decision of the Medical Quality Review Committee is hereby adopted by the Division of Medical Quality of the Board of Medical Quality Assurance as its Decision in the above-entitled matter.

This Decision shall become effective on December 4, 1989.

IT IS SO ORDERED November 3, 1989.

DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE



THERESA CLAASSEN
Secretary/Treasurer

BEFORE THE
DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)	
Against:)	
)	
)	No. D-3748
JORGE R. BORRELL, M.D.)	
aka GEORGE R. BORRELL)	
22030 Sherman Way, Suite 305)	L-42663
Canoga Park, California 91303)	
)	
Physician and Surgeon)	
Certificate No. A 017275)	
)	
)	
)	
)	
)	
)	
Respondent.)	
_____)	

PROPOSED DECISION

This matter was heard on August 7, 8, 9, 10 and 11, 1989, by a Panel of the Medical Quality Review Committee of District 11, consisting of Anayis Derdiarian, M.P.H., D.N.Sc., John J. Manning, M.D., and Ernest G. Strauss, M.D., Chairperson. Rosalyn M. Chapman, Administrative Law Judge of the Office of Administrative Hearings, presided at the hearing. Complainant was represented by Robert A. Heron, Deputy Attorney General. Respondent was present throughout the hearing and was represented by Herbert Selwyn, Attorney at Law.

Oral and documentary evidence having been received and the matter submitted, the Panel met in executive session on August 11, 1989, and finds as follows:

FINDINGS OF FACT

1. On their own motion, the Panel takes official notice that the First Amended and First Supplemental Accusation and Second Supplemental Accusation were made by Kenneth J. Wagstaff solely in his official capacity as Executive Director of the Board of Medical Quality Assurance (hereafter Board), State of California.

2. On November 1, 1956, the Board issued physician and surgeon's certificate number A 017275 to Jorge R. Borrell, M.D., aka George Borrell (hereafter respondent). Said license is in full force and effect.

3. Respondent was born [REDACTED]. He received his medical education at the Medical Military School in Mexico City, Mexico, and graduated therefrom in 1945. From 1945 to 1947 respondent completed a two year residency in urology in the United States; and from 1949 to 1950 respondent completed an additional year's residency in urology in the United States. Respondent performed a one year internship, from 1954 to 1955, at California Hospital in Los Angeles, California. Respondent is not Board certified.

4. From 1976 to the present respondent has been in private practice in the Los Angeles area. Respondent holds himself out to the public as an immunologist and an allergist; and respondent uses the dba Allergy Control Medical Group. While in private practice, respondent treated thousands of patients with autogenous urine injection therapy as described in Findings 5-8 below. Respondent holds no hospital staff privileges.

5. In addition to acting as a physician and surgeon, respondent is medical director of Advanced Testing Laboratory (hereafter Laboratory), a private laboratory which has offices in Anaheim and Canoga Park, California. Respondent refers his patients to Laboratory for cytotoxic leukocyte testing, which respondent represents to the patients will provide a basis to diagnose those foods and substances to which they are allergic.

6. Cytotoxic leukocyte testing adds specific allergens in vitro to whole blood, and determines whether this results in a reduction of white blood cells or leukocytes. There is no known scientific value or validity to the cytotoxic leukocyte test; to the contrary, it routinely gives false positive and false negative results. The cytotoxic leukocyte test is not a valid scientific test to determine food or other substance allergies.

7. Based primarily upon the cytotoxic leukocyte test results, respondent diagnoses a patient as having an allergy to a specific food or substance. Respondent then treats the diagnosed allergy by autogenous urine injection therapy. For this procedure, a patient's urine is collected in a sterile container, centrifuged, put through two filters of differing size (to filter out large and small particles), combined with Lidocaine, and injected into the patient's buttocks, generally in the amount of 9 cc. for an adult patient and 5 cc. for a child patient.

8. Respondent reports no evidence of localized infection from the urine autoinjection therapy; although the preparation of the urine does not meet community standards for sterilization.

C██████ H██████:

9. In late April or early May of 1982, C██████ H██████, formerly known as C██████ R██████ (hereafter H██████), then a 26 years old female, was seen by respondent for evaluation and treatment. H██████ complained of headaches, fatigue, and depression; she also reported that she had been told by a nutritionist that she was allergic to milk. Respondent conducted a limited physical examination of H██████ and then referred her to Laboratory for cytotoxic leukocyte testing. Respondent also explained autourine therapy to H██████.

10. On May 2, 1982, H██████ was given a cytotoxic leukocyte test at Laboratory. The test results showed that H██████ was allergic or sensitive to 75 foods and substances. H██████ was not given a skin test.

11. Based upon the cytotoxic leukocyte test results, respondent diagnosed H██████ as having food and substance allergies. Respondent placed H██████ on a rotating food diet during which time she was not to eat certain foods, and then she was to "load up" on approximately ten of these foods at specific intervals immediately prior to receiving urine auto-injection therapy.

12. Commencing on or about May 7, 1982, and for twelve weeks thereafter, respondent injected H██████ on thirteen (13) occasions with 9 cc. of her urine.

/

/

/

/

J [REDACTED] V [REDACTED]:

13. On or about March 5, 1987, J [REDACTED] V [REDACTED] (hereafter J [REDACTED]), a nine years old boy, was seen by respondent for evaluation and treatment. J [REDACTED] complained of itching inside his penis, frequent urination, tiredness, achiness, and sore throats with blisters. J [REDACTED]'s mother, L [REDACTED] S [REDACTED] (hereafter S [REDACTED]), accompanied J [REDACTED]. S [REDACTED] had been referred to respondent by "The Yeast Society" and believed that J [REDACTED]'s problems were due to yeast infections. Respondent conducted a limited physical examination of J [REDACTED] and then referred him to Laboratory for cytotoxic leukocyte testing. Respondent also explained autourine therapy to S [REDACTED].

14. On or about November 5, 1987, J [REDACTED] was given a cytotoxic leukocyte test at Laboratory. The test results showed that J [REDACTED] was allergic or sensitive to 72 foods and substances. J [REDACTED] was not given a skin test.

15. Based upon the cytotoxic leukocyte test results, respondent diagnosed J [REDACTED] as having food allergies and a yeast infection. Respondent placed J [REDACTED] on a restricted food diet for approximately two weeks. The diet was not effective, and Savage asked respondent to implement autourine injections on J [REDACTED].

16. On November 19, 1987, respondent injected J [REDACTED] with 7 cc. of his urine. After receiving the urine injection, J [REDACTED] became ill for two or three days.

R [REDACTED] J [REDACTED]:

17. On January 29, 1988, R [REDACTED] J [REDACTED] (hereafter J [REDACTED]) was seen by respondent for evaluation and treatment. J [REDACTED] complained of tiredness, anxiety, depression, and a yeast infection. Respondent conducted a limited physical examination of J [REDACTED] and then referred her to Laboratory for cytotoxic leukocyte testing. Respondent also explained autourine therapy to J [REDACTED].

18. On or about February 1, 1988, J [REDACTED] was given a cytotoxic leukocyte test at Laboratory. The test results showed that J [REDACTED] was allergic or sensitive to 85 foods and substances. J [REDACTED] was not given a skin test.

19. Based upon the cytotoxic leukocyte test results, respondent diagnosed J [REDACTED] as having a yeast infection and food allergies. Respondent recommended that urine autoinjection therapy would help "cure" these allergies.

20. On February 19, 1988, respondent injected J [REDACTED] with 9 cc. of her urine.

21. Urine autoinjection therapy is not a proven medical treatment for an immunological condition, allergic disease, or yeast infection; it has not been proven effective. Moreover, there is no proven rationale or immunological basis for urine autoinjection therapy.

22. It is an extreme departure from the standard of care in California for a physician to treat a patient by urine autoinjection therapy. By use of this therapy, respondent was grossly negligent in his treatment of patients H [REDACTED], J [REDACTED] and J [REDACTED], as set forth, separately, in Findings 9-12 jointly, 13-16 jointly, and 17-20 jointly.

23. Urine autoinjection therapy has not been proven safe. To the contrary, it is potentially harmful to a patient's kidneys and it could cause infection. Respondent did not perform adequate testing of his patients to determine whether they were injured or endangered by the urine autoinjection therapy. Respondent asserts that he kept adequate records of his patients to evaluate the validity, effectiveness, and safety of urine autoinjection therapy; but that is not true. Respondent's records do not reflect scientific or clinical controls regarding utilization of the therapy; and respondent's evaluation is worthless. It is based solely upon the patients' responses to questions asked them about the effectiveness of the therapy; and only as to those self-selected patients who continued to return to respondent for such therapy.

24. Use of urine autoinjection therapy demonstrates a lack of knowledge, ability and skill in the practice of medicine. By use of this therapy, respondent was incompetent in his treatment of patients H [REDACTED], J [REDACTED] and J [REDACTED], as set forth, separately, in Findings 9-12 jointly, 13-16 jointly, and 17-20 jointly.

25. Respondent claims to be self taught in immunology and allergy; but his demeanor during the hearing, especially his rambling responses to questions, shows respondent's inability to relate in a sensible, logical manner a cogent medical theory as to the basis of urine autoinjection therapy. Respondent's lack of current medical knowledge is shocking and extreme.

26. Respondent was negligent in using autoinjection therapy in the treatment of each of patients H [REDACTED], J [REDACTED] and J [REDACTED] as set forth, separately, in Finding 9-12 jointly, 13-16 jointly, and 17-20 jointly. More specifically, respondent failed to consider the potential danger to these patients from that therapy, as set forth in Finding 23 above.

27. Respondent's continuing use of urine therapy up to the date of this hearing, his lack of medical knowledge, and demeanor during the hearing make him an unlikely candidate for probation.

* * * * *

Pursuant to the foregoing findings of fact, the Panel makes the following determination of issues:

CONCLUSIONS OF LAW

1. Grounds exist to revoke or suspend respondent's license pursuant to Business and Professions Code (BPC) Sections 2227 and 2228 in that respondent conducted himself unprofessionally in that he was grossly negligent, within the meaning of BPC Section 2234(b), as set forth in Findings 21 through 23.

2. Additional grounds exist to revoke or suspend respondent's license pursuant to BPC Sections 2227 and 2228 in that respondent conducted himself unprofessionally in that he was incompetent, within the meaning of BPC Section 2234(d), as set forth in Findings 21, and 23 through 25.

3. Final grounds exist to revoke or suspend respondent's license pursuant to BPC Section 2227 and 2228 in that respondent conducted himself unprofessionally by committing repeated acts of negligence, within the meaning of BPC Section 2234(c), as set forth in Findings 21, 23 and 26.

/

/

/

/

/

/

/


* * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

ORDER

Physician's and surgeon's certificate number A 017275 issued to Jorge R. Borrell, aka George R. Borrell, is revoked, based upon Determination of Issues numbers 1 through 3, separately and for all.

DATED: August 31, 1989

 M.D.
ERNEST G. STRAUSS, M.D.,
Acting Chairperson,
Medical Quality Review Committee
District 11

RMC:btm

1 JOHN K. VAN DE KAMP, Attorney General
 of the State of California
 2 ROBERT A. HERON,
 Deputy Attorney General
 3 3580 Wilshire Boulevard
 Los Angeles, California 90010
 4 Telephone: (213) 736-2360
 5 Attorneys for Complainant

6
 7 BEFORE THE
 DIVISION OF MEDICAL QUALITY
 8 BOARD OF MEDICAL QUALITY ASSURANCE
 DEPARTMENT OF CONSUMER AFFAIRS
 9 STATE OF CALIFORNIA

10	In the Matter of the Accusation)	No. D-3748
11	Against:)	
12	JORGE R. BORRELL, M.D.)	FIRST AMENDED AND
13	aka GEORGE R. BORRELL)	FIRST SUPPLEMENTAL
14	22030 Sherman Way, Suite 305)	ACCUSATION
15	Canoga Park, California 91303)	
16	Physician and Surgeon)	
17	Certificate No. A 017275)	
18	Respondent.)	

19 Complainant, Kenneth J. Wagstaff, amends and
 20 supplements his accusation number D-3748 filed on February 24,
 21 1988, and in its stead and for cause for discipline further
 22 alleges:

23 1. He is the Executive Director of the Board of
 24 Medical Quality Assurance (hereinafter referred to as the board)
 25 of the Department of Consumer Affairs of the State of California
 26 and brings this amended and supplemental accusation solely in his
 27 official capacity.

/

1 2. On November 1, 1956, the board issued to Jorge R.
2 Borrell, M.D., also known as George R. Borrell (hereinafter
3 respondent) physician and surgeon certificate number A 017275 for
4 the practice of medicine. The certificate or license was in full
5 force and effect at all times mentioned herein.

6 3. Pursuant to Business and Professions Code section
7 2220 the Division of Medical Quality (hereinafter division) of
8 the board may take action against a physician and surgeon who
9 violates a provision of chapter 5 of division 2 of the Business
10 and Professions Code [§§ 2000-2515], and shall enforce and
11 administer the provisions of article 12 of chapter 5 of division
12 2 of the Business and Professions Code [§§ 2220-2317] as to a
13 licensee of the board.

14 4. Pursuant to Business and Professions Code sections
15 2227 and 2228 the division may revoke the certificate of a
16 licensee of the board, suspend for up to one year a licensee's
17 right to practice, place a licensee on conditioned probation,
18 publicly reprimand a licensee, or take such other disciplinary
19 action as is deemed proper.

20 5. Pursuant to Business and Professions Code section
21 2234 the division shall take action against a license for
22 unprofessional conduct. Business and Professions Code section
23 2234 provides at subdivision (b) that gross negligence is
24 unprofessional conduct, and at subdivision (d) that incompetence
25 is unprofessional conduct.

26 6. Respondent is subject to discipline by the
27 division pursuant to Business and Professions Code sections 2227,

1 2228 and 2234, for gross negligence, unprofessional conduct
2 within the scope of Business and Professions Code section
3 2234(b), by reason of the following facts:

4 A. On or about May 6, 1982, patient C [REDACTED] R [REDACTED]
5 H [REDACTED] presented to respondent complaining of headaches.
6 Respondent diagnosed food allergies with brain symptoms.
7 During the period May 6, 1982, through about September 16,
8 1982, on thirteen occasions, respondent injected the patient
9 with 9cc. of her own urine (urine autoinjection) for the
10 allergic condition.

11 B. On November 4, 1987, patient J [REDACTED] V [REDACTED]
12 presented complaining of itching in his penis, extreme
13 tiredness, and aching muscles. Respondent diagnosed 72 food
14 allergies and a high yeast content. On November 19, 1987,
15 respondent injected the patient with 7cc. of his own urine
16 (urine autoinjection) for the allergic condition.

17 C. On January 29, 1988, patient R [REDACTED] E. J [REDACTED]
18 presented to respondent complaining of tiredness and
19 depression. Respondent diagnosed a yeast infection. On
20 February 19, 1988, respondent injected the patient with her
21 own urine (urine autoinjection) for the yeast infection.

22 D. Urine autoinjection for the treatment of an
23 allergic condition, allergic disease, yeast infection, or
24 any other disease or condition is not a recognized medical
25 treatment or therapy. Urine autoinjection has no rational
26 or immunological basis, has not been proven effective or
27 safe, and is potentially harmful.

E. Treatment of and therapy for an allergic condition, allergic disease, yeast infection, or any other disease or condition by use of urine autoinjection is an extreme departure from the ordinary standard of care in the medical community.

6 7. Respondent is subject to discipline by the
7 division pursuant to Business and Professions Code section 2227,
8 2228 and 2234, for incompetence, unprofessional conduct within
9 the scope of Business and Professions Code section 2234(d), by
10 reason of the following facts:

11 A. On or about May 6, 1982, patient C [REDACTED] R [REDACTED]
12 H [REDACTED] presented to respondent complaining of headaches.
13 Respondent diagnosed food allergies with brain symptoms.
14 During the period May 6, 1982, through about September 16,
15 1982, on thirteen occasions, respondent injected the patient
16 with 9cc. of her own urine (urine autoinjection) for the
17 allergic condition.

B. On November 4, 1987, patient J [REDACTED] V [REDACTED] presented complaining of itching in his penis, extreme tiredness, and aching muscles. Respondent diagnosed 72 food allergies and a high yeast content. On November 19, 1987, respondent injected the patient with 7cc. of his own urine (urine autoinjection) for the allergic condition.

24 C. On January 29, 1988, patient R [REDACTED] E. J. [REDACTED]
25 presented to respondent complaining of tiredness and
26 depression. Respondent diagnosed a yeast infection.

1 On February 19, 1988, respondent injected the patient with
2 her own urine (urine autoinjection) for the yeast infection.

3 D. Urine autoinjection for the treatment of an
4 allergic condition, allergic disease, yeast infection, or
5 any other disease or condition is not a recognized medical
6 treatment or therapy. Urine autoinjection has no rational
7 or immunological basis, has not been proven effective or
8 safe, and is potentially harmful.

9 E. Treatment of and therapy for an allergic
10 condition, allergic disease, yeast infection or any other
11 disease or condition by use of urine autoinjection
12 demonstrates the lack of knowledge of the current state of
13 medical practice for treatment of these diseases and
14 conditions and the lack of ability and skill to diagnose and
15 treat these diseases and conditions.

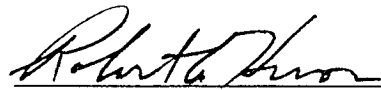
16 WHEREFORE, complainant prays that a hearing be held and
17 that the division make its order:

18 1. Revoking or suspending Physician and Surgeon
19 Certificate number A 017275 issued to Jorge R. Borrell.

20 2. Taking such further action as is deemed necessary
21 and proper.

22 Dated: July 21, 1989

23 By:



ROBERT A. HERON
Deputy Attorney General

24 For: KENNETH J. WAGSTAFF
25 Executive Director
26 Board of Medical Quality Assurance
27 Department of Consumer Affairs
State of California

Complainant

JOHN K. VAN DE KAMP, Attorney General
of the State of California
ROBERT A. HERON
Deputy Attorney General
3580 Wilshire Boulevard
Los Angeles, California 90010
Telephone: (213) 736-2360

Attorneys for Complainant

BEFORE THE
DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)	No. D-3748
Against:)	
JORGE R. BORRELL, M.D.)	ACCUSATION
aka GEORGE R. BORRELL)	
22030 Sherman Way, Suite 305)	
Canoga Park, California 91303)	
Physician and Surgeon)	
Certificate No. A-017275)	
Respondent.)	

Complainant, Kenneth J. Wagstaff, for cause for
discipline alleges:

1. He is the Executive Director of the Board of
Medical Quality Assurance (hereinafter referred to as the
board) of the Department of Consumer Affairs of the State of
California and brings this accusation solely in his official
capacity.

2. On November 1, 1956, the board issued to Jorge
R. Borrell, M.D., also known as George R. Borrell

1 (hereinafter respondent) physician and surgeon certificate
2 number A-017275 for the practice of medicine. The
3 certificate or license was in full force and effect at all
4 times mentioned herein.

5 3. Pursuant to Business and Professions Code
6 section 2220 the Division of Medical Quality (hereinafter
7 division) of the board may take action against a physician
8 and surgeon who violates a provision of chapter 5 of division
9 2 of the Business and Professions Code [§§ 2000-2515], and
10 shall enforce and administer the provisions of article 12 of
11 chapter 5 of division 2 of the Business and Professions Code
12 [§§ 2220-2317] as to a licensee of the board.

13 4. Pursuant to Business and Professions CCode
14 sections 2227 and 2228 the division may revoke the
15 certificate of a licensee of the board, suspend for up to one
16 year a licensee's right to practice, place a licensee on
17 conditioned probation, publicly reprimand a licensee, or take
18 such other disciplinary action as is deemed proper.

19 5. Pursuant to Business and Professions Code
20 section 2234 the division shall take action against a license
21 for unprofessional conduct. Business and Professions Code
22 section 2234 provides at subdivision (b) that unprofessional
23 conduct is gross negligence, and at subdivision (d) that
24 unprofessional conduct is incompetence.

25 6. Respondent is subject to discipline by the
26 division pursuant to Business and Professions Code sections
27 2227, 2228 and 2234, for gross negligence, unprofessional

1 conduct within the scope of Business and Professions Code
2 section 2234(b), by reason of the following facts:

3 A. From on or about May 6, 1982, through on or
4 about September 6, 1982, respondent treated patient
5 C. [REDACTED] R. [REDACTED] H. [REDACTED] for an allergic condition. On
6 thirteen occasions during this period respondent
7 injected the patient with 9 cc. of her own urine.

8 B. Urine autoinjection for the treatment of an
9 allergic condition is not a recognized medical practice;
10 it has no rational or immunological basis, has not been
11 proven effective or safe, and is potentially harmful.

12 C. Urine autoinjection for the treatment of an
13 allergic condition is an extreme departure from the
14 ordinary standard of care of the medical community.

15 7. Respondent is subject to discipline by the
16 division pursuant to Business and Professions Code section
17 2227, 2228 and 2234, for incompetence, unprofessional conduct
18 within the scope of Business and Professions Code section
19 2234(d), by reason of the following facts:

20 A. From on or about May 6, 1982, through on or
21 about September 6, 1982, respondent treated patient
22 C. [REDACTED] R. [REDACTED] H. [REDACTED] for an allergic condition. On
23 thirteen occasions during this period respondent
24 injected the patient with 9 cc. of her own urine.

25 B. Urine autoinjection for the treatment of an
26 allergic condition is not a recognized medical practice;
27 it has no rational or immunological basis, has not been

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

proven effective or safe, and is potentially harmful.


C. Urine autoinjection for the treatment of an allergic condition is an extreme departure from the ordinary standard of care of the medical community.

WHEREFORE, complainant prays that a hearing be held and that the division make its order:

1. Revoking or suspending Physician and Surgeon Certificate number A-017275 issued to Jorge R. Borrell.

2. Taking such further action as is deemed necessary and proper.

DATED: February 24, 1988



KENNETH J. WAGSTAFF
Executive Director
Board of Medical Quality Assurance
Department of Consumer Affairs
State of California

Complainant